

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

VIRGIL N. JOHNSON

PETITIONER

V.

CIVIL ACTION NO. 3:11CV710 DPJ-FKB

JESSIE J. STREETER

RESPONDENT

ORDER

This petition for writ of habeas corpus is before the Court on the Report and Recommendation [29] of Magistrate Judge F. Keith Ball. Petitioner Virgil Johnson has not filed an Objection, and the time to do so has passed.

In his petition, Johnson asserted the following grounds for relief: (1) the trial court erred in failing to dismiss the indictment because of the violation of Johnson's right to a speedy trial and (2) the trial court erred in failing to grant Johnson's juror challenges for cause. R&R [29] at 2.¹ Judge Ball considered both grounds for relief and correctly concluded that habeas relief is not warranted. The undersigned agrees and adopts the Report and Recommendation in its entirety.

Moreover, on August 5, 2016, Petitioner's copy of the Report and Recommendation was returned to the Clerk's office with the notation "Return to Sender, Refused, Unable to Forward." Return [30].² The Court has repeatedly warned Petitioner that he has a continuing obligation to keep the Court apprised of his current address and failure to do so may result in dismissal. *See*

¹ The Court previously dismissed Johnson's unexhausted claims. *Id.*

² The Court checked the Mississippi Department of Corrections online Inmate Search, which reflects that Petitioner was released into the community in October 2015 through the department's Earned Release Supervision Program. The last change of address was received from Petitioner on April 25, 2013.

Orders [5, 7, 8, 10, 23]. Petitioner's failure to comply with prior Court orders further supports dismissal of his petition.

Accordingly, the Court adopts the Report and Recommendation [29] and finds that habeas relief should be denied. Johnson's petition is dismissed with prejudice.

A separate judgment will be entered in accordance with Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED this the 17th day of August, 2016.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE